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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,900	12/26/2001	Douglas M. Fieldhouse	CSZ 303	8315
23581	7590	09/01/2005	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,900

Applicant(s)

FIELDHOUSE ET AL.

Examiner

REXFORD N. BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Rexford Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 20, 24, 25, 47 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Suryanarayana et al. (US Pat# 6,487,401).

Regarding claim 1, Suryanarayana teaches a wireless telephone device having an associated stored-value account (prepaid account), the wireless device comprising:

a selector (see cols. 4-6 and figs. 6-8) reads on the selector including selectors recharge or reject recharge shown in (see fig. 6);

a communication program configured to communicate with a recharge service via a communication network (see figs.)

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communication program to initiate a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account in (see figs., cols. 4-7). The limitation including a connection to the communication is taught by

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Suryanarayana wherein one presses or selects one of the option including recharge or reject recharge, a communication connection is made with a SCP sent to a network element in (see fig. 3).

Regarding claims 2-9, Suryanarayana teaches the claimed subject matter in (see cols. 3-4, col. 7).

Regarding claims 10-13, Suryanarayana teaches the claimed subject matter in (see cols. 3-4, col. 7).

Regarding claims 14 and 15, Suryanarayana teaches the claimed subject matter in (see figs. 6-8, cols. 4-6).

Regarding claim 20, Suryanarayana teaches a low balance indicator in (see figs.).

Regarding claim 24, Suryanarayana teaches a method of recharging an account comprising installing a recharge option in a wireless telephone to initiate a recharge transaction in order to add calling units wherein the recharge would be displayed on the wireless device, receiving a user's selection and then establishing a communication to a communication network in (see figs. and cols. 3-7).

Regarding claim 25, The balance of the stored value calling account is detected if it's below a threshold.

Regarding claim 47, Suryanarayana teaches a recharge server connected to a communication and a web enable d telephone having a recharge option installed thereon to enable a user to cause a communication program on the

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phone to initiate communication to a communication network and to an element over the network to recharge an account in (see figs. and cols. 3-7).

Regarding claim 53, Suryanarayan teaches a user interface including a display which can display recharge options to user wherein a user can select one of the options as means of sending a signal or establishing a connection with a network element in (see figs. and cols. 3-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-19, 21-23, 26-39, 41-44 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suryanarayana in view of Dahm et al. (US Pat# 6,466,783).

Regarding claims 16-18, Suryanarayana fails to teach the claimed subject matter but activation by using a key or voice command is notoriously well known in the art.

Dahm teaches a communication device in (see cols. 8-10 and figs. 5) that a plurality of keys can be implementing for activating services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dahm into that of

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Suryanarayana thus making it possible to activate services using any known input means.

Regarding claims 19 and 21-23, The combination including Dahm teaches scrolling through a menu in (see figs.).

Regarding claims 26-34, the combination teaches a menu process in (see Suryanarayana or Dahm) and usage of keys including a soft key or images and so forth as obvious.

Regarding claims 35-39 and 41-42, The combination including Dahm or Sury teaches the claimed subject matter of being able to recharge via a communication to a wireless server to add money to one's account.

Regarding claims 43-44, Recharging an account by using an automated attendant or talking to a live operator is notoriously well known and the examiner takes official notice to this effect.

Regarding claims 33-35 and 48-49, the combination renders the claimed subject matter obvious in the sense that a telephone manufacturers can configure the phone to work after activating a feature mode either using a single touch or two touches, known in the art. Neither one of the primary references teaches the claimed subject matter but the examiner takes official notice that it's well known to assign hard keys to features and using voce or speech recognition to activate features.

Therefore, it would have been obvious tone of ordinary skill in the art at the time the invention was made to use or incorporate one and/or both in a telephone as way of activating telephone features in a telephone thus giving a

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user the ability to activate features suiting the users needs which can be helpful for the disabled.

Regarding claims 50-51, The combination renders obvious the claimed subject matter.

Claims 24, 45, 46, 53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US pat# 6,084,951) in view of Henderson et al. (US Pat# 6,327,363).

Regarding claim 24, Smith teaches a wireless telephone wherein a user can program a speed dialing number to be dialed as desired which could include that of business number, displaying Icons or images associated with the number and activating the speed dialing code to make a call to a desired destination in (see figs. and col. 8 lines 60-col. 9).

Smith fails to teach dialing a number for the purpose of recharging a prepaid account.

Henderson et al. teaches a method and system for automated customer services wherein a user can dial a number to contact a recharge center or platform in (see col. 8 lines 36-64) to recharge a prepaid account.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to dial a number to recharge an account into that of Smith thus making it possible to use wireless services or make toll calls by using one's account and in light of Smith, calling a customer service center without having to dial the entire destination number in essence saving time.

Regarding claims 45-46, The combination would teach the ability to program a number in a speed dialing form wherein a user can activate the number in this case an access number to charge one's account whenever one needs to recharge the account. It's notoriously well known to use toll-free numbers for recharging purposes and the examiner takes official notice to that effect. (see col. 10 lines 59-67 of Henderson).

Regarding claim 46, The combination teaches authentication of a PIN number in (see col. 8 of Henderson).

Regarding claim 53, Smith teaches a wireless telephone wherein a user can program a speed dialing number to be dialed as desired which could include that of business number, displaying Icons or images associated with the number and activating the speed dialing code to make a call to a desired destination in (see figs. and col. 8 lines 60-col. 9). Note that the recharge option is being interpreted as a recharge speed dialing code.

Smith fails to teach dialing a number for the purpose of recharging a prepaid account.

Henderson et al. teaches a method and system for automated customer services wherein a user can dial a number to contact a recharge center or platform in (see col. 8 lines 36-64) to recharge a prepaid account.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to dial a number to recharge an account into that of Smith thus making it possible to use wireless services or make toll calls by using one's account and in light of Smith,

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calling a customer service center without having to dial the entire destination number in essence saving time.

Regarding claim 55, Smith teaches in (see figs. and col. 8-9) installing a speed dialing code relevant to a recharge option;

displaying the speed dialing code to contact a destination number which could be a business

establishing a connection to a communication network and initiating any desired transaction with the business in question.

Smith fails to teach dialing a number for the purpose of recharging a prepaid account.

Henderson et al. teaches a method and system for automated customer services wherein a user can dial a number to contact a recharge center or platform in (see col. 8 lines 36-64) to recharge a prepaid account.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to dial a number to recharge an account into that of Smith thus making it possible to use wireless services or make toll calls by applying one account and in light of Smith, calling a customer service center without having to dial the entire destination number in essence saving time.

Claims 40, 52 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suryanarayana in view of Henderson et al.

Regarding claim 55, Suryanarayana et al. teaches a recharging a stored value calling account comprising of installing and displaying a recharge option

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which can include a recharge or reject recharge and establishing a connection and initiating recharge in (see figs., cols. 3-7).

Suryanarayana fails to teach authentication, fraud detection measures.

Henderson teaches an automated system wherein during a recharging procession, authentication can be performed in (see col. 17 lines 13-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Henderson into that of Suryanarayana thus making it possible to avoid unauthorized usage of other's people account, thus in essence preventing fraud.

Regarding claim 40, see the explanation above.

Regarding claim 52, the combination teaches recharging by using an access number

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (US Pat# 6,493,547) in view of Suryanarayana.

Regarding claim 54, Raith teaches a telephone device wherein call detail records associated with a prepaid account can be stored in a wireless device and in a remote network element in (see cols. 9-10) but fails to teach detecting that the balance is lower than a predetermined threshold by a service provider and giving the user the option to recharge by presenting a recharge option on a display as taught by Suryanarayana.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Suryanarayana into that of Raith thus informing a user when there is a need to recharge in order

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to be able to use one' prepaid services when one is away traveling and has no access to other means of communication and in by nature, prepaid, provide lower rates and being able to reduce one's expenses by monitoring usage.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
08/29/05


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